

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Janelle M. Gephart,

Plaintiff,

v.

TD Bank, N.A. and TransUnion, LLC,

Defendants.

Case No. 2:22-cv-01652-SMM

STATE OF PENNSYLVANIA §

§

COUNTY OF DELAWARE §

DECLARATION OF DONALD WAGNER

I, Donald Wagner, declare under the penalty and perjury and pursuant to 28 U.S.C. § 1746 as follow:

1. My name is Don Wagner, I am over eighteen (18) years of age, am of sound mind, and I am fully competent to make this Declaration. The statements contained herein are based on my personal knowledge and are true and correct.

2. I am a Specialist I in the Litigation Support Department in Trans Union LLC's ("Trans Union") Crum Lynne, Pennsylvania Consumer Operations Center. I have been employed in that capacity since March 1, 2015. I am fully familiar with the facts set forth in this declaration based on my personal knowledge and/or review of Trans Union's business records. I respectfully submit this Declaration in lieu of a deposition in response to TD Bank USA, N.A.'s ("TD Bank") Subpoena to Testify at a deposition in a Civil Action and served

upon Trans Union in the State of Illinois on July 7, 2023 (the “Subpoena”).

3. TD Bank seeks information from Trans Union concerning the Plaintiff Janelle Gephart’s (“Plaintiff”) communications with Trans Union regarding the reporting of Plaintiff’s TD Bank account # . . . 4785 (the “Account”).

4. Based on my review of Trans Union’s consumer operations documents regarding Plaintiff and Trans Union’s responses to TD Bank’s written discovery, I can testify that:

- a. On March 25, 2022, Trans Union received dispute correspondence from Plaintiff, dated February 25, 2022, regarding the Account. Trans Union did not send an Automated Credit Dispute Verification (“ACDV”) to TD Bank in connection with Plaintiff’s dispute.
- b. On July 19, 2022, Trans Union received second dispute correspondence from Plaintiff, dated July 12, 2022, regarding the Account. Trans Union deleted the Account and did not send an ACDV to TD Bank in connection with Plaintiff’s second dispute.
- c. To date, Trans Union has only informed Plaintiff or Plaintiff’s counsel that an ACDV was not sent to TD Bank in connection with Plaintiff’s March 25, 2022, and July 19, 2022, disputes in its Objections and Answers to TD Bank’s First Set of Interrogatories to Trans Union.
- d. Trans Union has not provided any information to Plaintiff’s counsel contrary to the information in this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of August 2023.

Donald Wagner

DONALD WAGNER